



AUSTIN CITY COUNCIL MINUTES

WORKSESSION
WEDNESDAY, NOVEMBER 18, 1998

Mayor Watson called the meeting to order noting the temporary absence of Councilmember Griffith.

CITIZEN's COMMUNICATION: GENERAL

BOARD AND COMMISSION REPORTS

1. ELECTRIC UTILITY COMMISSION – Teresa Reel, Chair
Presentation given by Carolyn LeGessee.
2. RESOURCE MANAGEMENT COMMISSION – Peter Pfeiffer, Chair
Report not given.

CITY MANAGER REPORT

3. MONTHLY AUSTIN ENERGY MANAGEMENT REPORT
Report not given.

BRIEFINGS

4. AVIATION
 - a. Status of new airport construction and opening.
 - b. Status of airport management reserve fund

Presentation given by Tom Arndt, Arnie Rosengarten, Chuck Griffith, Bill Campbell, Charles Gates and Rick Wheeler.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN's COMMUNICATION: CONSENT AGENDA

ACTION ON CONSENT AGENDA

PREVIEW OF ITEMS FOR NEXT COUNCIL MEETING

5. Review of Proposed Agenda Items from the City Manager for December 3, 1998.
6. Review of Proposed Agenda Items from Council for December 3, 1998.
7. Discuss and identify consent and discussion agenda items for the November 19, 1998 Council meeting agenda. (Agenda for November 19, 1998 is attached and incorporated by reference.)
Items pulled for discussion: #'s 7, 9, 10, 14, 18, 22, 23, 24, 27, 28, 29, 33 and 35.

Items on consent: #'s 8, 11, 12, 13, 15, 16, 17, 19, 20, 21, 25, 26, 30, 31, 32, 34, 36, 37, 38, 39, 74 and 75.
8. Set Time Certain, if necessary, for agenda items on the November 19, 1998 Agenda.

Aviation

9. Approve a resolution authorizing Supplemental Amendment #5 for additional services with PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, for Program Management Support Services for the construction of Austin-Bergstrom International Airport, in the amount of \$910,000, for a total contract amount of \$38,610,000. (Funding is included in the 1998-99 Capital budget of the Aviation Department.) 40.12% DBE Participation: 28.62% MBE, 11.50% WBE Subconsultant participation. [Recommended by Airport Advisory Board]
Resolution No. 981118-9 approved on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.
10. Approve a resolution authorizing an additional increase to the contract with COM-NET SOFTWARE SPECIALTIES, INC., Miamisburg, Ohio, for supplying and installing monitors to assist the public in determining gate locations at Austin-Bergstrom International Airport, in the amount of \$149,275, for a total contract amount not to exceed \$1,243,968. (Funding is included in the 1998-99 Capital Budget of the Aviation Department.) 39% WBE, 0% MBE% Subconsultant participation. [Recommended by Airport Advisory Board]
Resolution No. 981118-10 approved on Councilmember Lewis' motion, Councilmember Slusher's second, 7-0 vote.
11. Approve a resolution authorizing the negotiation and execution of an agreement with Bergstrom/Austin Community Council (BACC) to plan and manage AEROFEST '99, an admission free air show

scheduled April 17-18, 1999, to kick-off Austin-Bergstrom International Airport's grand opening activities, in the amount of \$250,000. (Funding is included in the 1998-99 Capital budget of the Aviation Department.) [To be reviewed by Airport Advisory Board November 17, 1998] [was recommended by the Airport Advisory board]

Resolution No. 981118-11 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

12. Approve a resolution authorizing the creation of Austin-Bergstrom Landhost Enterprises Incorporated, a non-profit public facilities corporation, to issue revenue bonds, in an amount not-to-exceed \$45,000,000 for the construction of an airport hotel at Austin-Bergstrom International Airport. (This action creates a non-profit corporation, which will issue bonds to finance the construction of the hotel. The bonds will not be an obligation of the City.) [To be reviewed by Airport Advisory Board on November 17, 1998.] [was recommended by Airport Advisory board]

Postponed to December 3, 1998

13. Approve a resolution authorizing a Signatory Airline Agreement for commercial airline use of Austin-Bergstrom International Airport and authorize the **Executive** Director of Aviation to enter into agreements with the commercial airlines serving ABIA. (The airline agreements are revenue-producing contracts which are included in the annual budget of the Department of Aviation.)

Resolution No. 981118-13 approved on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

Water and Wastewater Utility

14. Approve a resolution authorizing execution of a twelve month supply agreement with CAPITOL AGGREGATES, LTD., Austin, Texas, for the purchase of approximately 8,000 tons of gem sand used in the repair of water and wastewater pipelines, in an amount not to exceed \$78,300 with two twelve month extension options in an amount not to exceed \$78,300 per extension, for a total amount not to exceed \$234,900. (Funding in the amount of \$71,775 was included in the 1998-99 Operating budget of the Water and Wastewater Utility.) Low bid of two. No M/WBE Subcontracting opportunities were identified. [Recommended by Water and Wastewater Commission]

Resolution No. 981118-14 approved

15. Approve a resolution authorizing execution of a twelve month supply agreement with CUSTOM CRETE, INC., Austin, Texas, for the purchase of ready-mix concrete used in the construction and repair of streets, water and wastewater mains, and manholes, in an amount not to exceed \$74,312 with two twelve month extension options in an amount not to exceed \$74,312 per extension, for a total amount not to exceed \$222,936. (Funding in the amount of \$68,119 was included in the 1998-99 Operating budget of the Water and Wastewater Utility. Funding for the remainder of the contract and extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified. [Recommended by Water and Wastewater Commission]

Resolution No. 981118-15 approved

Items 14 and 15 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

16. Approve an ordinance authorizing an increase in the funding for reimbursement of a 24-inch water main and appurtenances to serve DELL COMPUTER CORPORATION located on Howard Lane, east of Highway 35 and the surrounding area, in the amount of \$736,000 for a total amount not to exceed \$2,223,500; waiving certain requirements under Section 13-3-13 of the City Code relating to the posting of fiscal security; and waiving certain requirements under Section 13-3-5 of the City Code relating to cost reimbursement and cost participation. (Cost reimbursement in an amount not to exceed \$2,223,500 is subject to funding approval in future budgets of the Water and Wastewater Utility Capital Improvement Projects beginning in fiscal year 1998-99.) [Recommended by Water and Wastewater Commission]

Ordinance No. 981118-C approved on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Lewis out of the room.

17. Amend Ordinance 980915-A, the 1998-99 Operating Budget, by reducing the General Fund Contingency Reserve by \$236,778 and increasing General Fund Transfers Out to the Capital Budget by \$236,778; amend Ordinance 980915-B, the 1998-99 Capital Budget by increasing appropriations to the Water and Wastewater Utility appropriations by \$158,576 and creating a new water project known as "Felder/Southland Water Reimbursement" and a new wastewater project known as "Felder/Southland WW Reimbursement" and increasing transfers in to the Watershed Protection Department from the General Fund, appropriating \$236,778, and creating a new project known as "Drainage Developer Reimbursements in Annexed Areas". (Recommended by Environmental Board and Water and Wastewater Commission and Planning Commission)

Ordinance No. 981118-B approved on Mayor Pro Tem Goodman's motion, Councilmember Griffith's second, 7-0 vote.

18. Approve an ordinance adding Section 10-1-24 to the City Code making it an offense for unauthorized personnel to enter designated water and wastewater utility property sites (Highland Park Reservoir, 4500 Ridge Oak Drive, and the Taylor Slough Lift Station, 2500 Scenic Drive) between 9:00 p.m. and 6:00 a.m., and amending Section 8-3-9 to prohibit consumption of alcoholic beverages on utility property. (Recommended by Water and Wastewater Commission)

Ordinance No. 981118-A approved on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

19. Approve a resolution authorizing execution of Change Order #4 to the construction contract with MICHAEL S. HEYL CONSTRUCTION, INC., (MBE/MH), Austin, Texas, to relay wastewater line along Tinnin Ford Road from South Lakeshore Boulevard to Riverside Drive, as part of the Wastewater Rehabilitation Projects, in the amount of \$62,421, for a total contract amount of \$817,479.50. (Funding is available in the 1998-99 Capital budget of the Water and Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Resolution No. 981118-19 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

20. Approve a resolution authorizing execution of a construction contract with TRIPLE H CONTRACTING, INC./BRH-GARVER, INC., JOINT VENTURE, Buda, Texas, for construction of the Ullrich Medium Service Transmission Main Pipeline from Redbud Trail to West Second Street, in the amount of \$13,564,832.88 plus \$1,350,000 to be used as a contingency fund for change orders, for a total contract amount not to exceed \$14,914,832.88. (Funding is available in the 1997-98 Capital budget of the Water and Wastewater Utility; \$167,273 is available in the 1998-99 Capital budget of the Public Works and Transportation Department; \$48,227 is available in the 1998-99 Operating Budget of the Public Works and Transportation Department, Transportation Fund.) Low bid of six. 10.07% MBE, 5.59% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Postponed

21. Approve a resolution authorizing execution of a construction contract with SEVEN K. CONSTRUCTION COMPANY, Wheeling, Illinois, for construction of the Ullrich Medium Service Transmission Main Tunnel from the Ullrich Water Treatment Plant to Lake Austin Boulevard, in the amount of \$7,986,910 plus \$1,200,000 to be used as a contingency fund for change orders, for a total contract amount not to exceed \$9,186,910. (Funding is available in the 1997-98 Capital budget of the Water and Wastewater Utility.) Low bid of seven. 3.42% MBE, 5.06% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Postponed

Austin Energy

22. Approve a resolution authorizing negotiation and execution of a rail transportation contract with LCRA and The Burlington Northern and Santa Fe Railway Company, Fort Worth, Texas, for the delivery of coal to the Fayette Power Project for a term of two years ending December 31, 2000 at an estimated total cost to the City of \$21,200,000. (Funds are included in the Utility Fuel Charge revenue. Funding for future years is contingent upon available funding in future budgets.) [Recommended by Electric Utility Commission]

Resolution No. 981118-22 approved

23. Approve a resolution authorizing a twelve month renewal to the supply agreement with ENRON CAPITAL & TRADE RESOURCES CORP, Houston, Texas and FRANKLIN COAL SALES COMPANY, Fairview Heights, Illinois, and approving execution of a twelve month supply agreement with SOUTHERN ENERGY TRADING AND MARKETING, INC., Fort Worth, Texas, to provide coal for the Fayette Power Project as part of the FPP Spot Coal Purchasing Program. (No fiscal impact.) [Recommended by Electric Utility Commission]

Resolution No. 981118-23 approved

Items 22 and 23 approved on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Slusher off the dais.

24. Amend Ordinance 980915-D to authorize the provision of certain electric products and services and the respective fees to be charged for them by Austin Energy. (Additional revenues were included in the

1998-99 Operations and Maintenance budget of the Electric Utility.) [Recommended by Electric Utility Commission]

Ordinance No. 981118-D approved

25. Approve a resolution authorizing modification of an Interlocal Agreement with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for communication products and services for the completion of the Electric Utility Department's Communications Upgrade, in an amount not to exceed \$1,000,000 with an option to extend the agreement for one twelve month period in an amount not to exceed \$1,035,000 for communications equipment purchases, for a total contract amount not to exceed \$4,535,000. (Funding was included in the 1998-99 Capital budget of Austin Energy.) [Recommended by Electric Utility Commission and Council Committee for Telecommunications Infrastructure]

Resolution No. 981118-25 approved

26. Approve a resolution authorizing execution of two twenty-four month supply agreements with TECHLINE, INC., Austin, Texas, and POWER SUPPLY, INC., Austin, Texas, for the purchase of three-phase, pad mounted distribution transformers, in an amount not to exceed \$4,209,869 per contractor with the option to extend for up to three twelve month periods, in an amount not to exceed \$2,104,935 per extension, for a total contract amount of \$10,524,674 per contractor. (Funding in the amount of \$3,508,225 was included in the 1998-99 Operating budget of Austin Energy. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified. [Recommended by Electric Utility Commission]

Resolution No. 981118-26 approved

27. Approve a resolution authorizing execution of a twelve month service agreement with TALEM LABORATORY SERVICES, Fort Worth, Texas, for environmental analytical services in an amount not to exceed \$71,900 with three twelve month extension options in an amount not to exceed \$71,900 per extension, for a total amount not to exceed \$287,600. (Funding in the amount of \$65,912 was included in the 1998-99 Operating budget of Austin Energy. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified. [Recommended by Electric Utility Commission]

Resolution No. 981118-27 approved

28. Approve a resolution authorizing execution of a twelve month service agreement with ALAMO TRANSFORMER SUPPLY COMPANY, San Antonio, Texas, to provide refurbishment of distribution transformers, in an amount not to exceed \$272,578 with two twelve month extension options in an amount not to exceed \$272,578 per extension, for a total contract amount not to exceed \$817,734. (Funding in the amount of \$227,148 was included in the 1998-99 Operating budget of Austin Energy. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four meeting specifications. No M/WBE Subcontracting opportunities were identified. [Recommended by Electric Utility Commission]

Resolution No. 981118-28 approved

29. Approve a resolution authorizing execution of a contract with SCREENING SYSTEMS INTERNATIONAL, Slaughter, Louisiana, for the repair of traveling water screens used to filter river water at Holly Street Power Plant, in the amount of \$65,514. (Funding was included in the 1998-99 Operating budget of Austin Energy.) Low bid of four. No M/WBE Subcontracting opportunities were identified. [Recommended by Electric Utility Commission]

Resolution No. 981118-29 approved

30. Approve a resolution authorizing negotiation and execution of an Amendment to the Professional Services Agreement with ROY F. WESTON, INC., Austin, Texas, for professional services required for the remedial design and remediation oversight for the Austin Energy Pole Yard, in an amount not to exceed \$357,300 for a total agreement not to exceed \$3,868,300. [2.81% MBE 18.6% WBE Subcontractor participation] (Funding was included in the 1998-99 Operating Budget of Austin Energy.) [Recommended by Electric Utility Commission]

Resolution No. 981118-30 approved

Items 24 through 30 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Motion to approve staff briefing in executive session on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Griffith temporarily absent.

Motion to recess until 2:00 p.m. on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Griffith temporarily absent.

Motion to recess executive session on Councilmember Lewis' motion, Councilmember Spelman's second, 6-0 vote, Councilmember Griffith temporarily absent.

Motion to recess executive session to go in to executive session pertaining to City Clerk interviews on Councilmember Slusher's motion, Councilmember Spelman's second, 5-0 vote, Councilmembers Griffith and Lewis temporarily absent.

Motion to recess executive session pertaining to City Clerk interviews at 2:17 p.m. on Councilmember Slusher's motion, Councilmember Spelman's second, 5-0 vote, Councilmembers Griffith and Lewis temporarily absent.

Motion to recess executive on issues pertaining to the City Clerk appointment on Councilmember Spelman's motion, Councilmember Garcia's second, 4-0 vote, Mayor Pro Tem Goodman, Councilmembers Griffith and Lewis temporarily absent.

Motion to recess Council Meeting to go into executive session at 5:00 p.m. on item #62 on Councilmember Spelman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Pro Tem Goodman and Councilmember Griffith temporarily absent.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matter specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Staff Briefing - Section 551.075

31. Receive information from staff regarding selection and compensation of City Clerk.

Personnel Matters - Section 551.074

32. Interview candidates for City Clerk.
33. Discuss and evaluate candidates for City Clerk and appropriate compensation.

Real Property – Section 551.072

34. Discuss legal issues regarding the proposed groundlease of the Poleyard property to Post Properties and Block 4 to AMLI.

Private Consultation with Attorney – Section 551.071

35. Discuss John Mount, et al. v. City of Austin, Cause No. 95-14287, pending in the 261st Judicial District Court of Travis County.
36. Discuss Brown, Arthur, et al. v. City of Austin Police Department, Cause No. 95-12194, in the Travis County District Court.
37. Discuss Christopher Whiteneck v. Alan Schwettman, Individually and City of Austin, Texas, Cause No. 97-13700, in the Travis County District Court.
38. Discuss Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834SS, in the United States District Court and
39. Discuss Tideland Limited Partnership v. The City of Austin, Cause No. 97-59241, U.S. Bankruptcy Court.
40. Discuss Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

41. Discuss legal issues regarding City of Austin v. Club Resorts, Inc., CA. No. 98-00248, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
42. Discuss rezoning of property in the vicinity of South Mopac and William Cannon, also known as the Forum PUD. (This item concerns development regulation applicable in the Barton Springs Zone.)
43. Discuss Cause No. 98-00248, City of Austin, Texas v. Horse Thief Hollow Ranch, Ltd., et al., in the 345th Judicial District Court of Travis County, Texas.
44. Discuss legal issues regarding anticipated legislation issues in the Texas 76th Legislative Session that affects the City of Austin.
45. Discuss acquisition/lease of property in the downtown area for city offices is to be discussed under Real Property-Section 551.072..

ACTION ON THE FOLLOWING

46. Approve appointment of City Clerk and establish appropriate compensation.
Approved the appointment of Shirley Brown as City Clerk with an annual salary of \$82,500 and a \$2,000 car allowance on Councilmember Garcia's motion, Councilmember Spelman's second, 6-1 vote, Councilmember Lewis voting "NO".
47. Approve settlement of Christopher Whiteneck v. Alan Schwettman, Individually and City of Austin, Texas, Cause No. 97-13700, in the Travis County District Court.
No action taken
48. Approve expert consulting contract for \$66,000 to Holford Group, expert witness, in Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834-SS, in the United States District Court.
No action taken
49. Approve expert consulting contract for \$54,000 to Fredericks and Hornsby, expert witness, in Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834-SS, in the United States District Court.
No action taken
50. Approve settlement of Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
No action taken

51. Adopt a resolution to release approximately 720 acres of Austin's Extra Territorial Jurisdiction (ETJ) to the City of Jonestown. (No fiscal impact.)

No action taken

52. Approve negotiation and execution of lobbying and other professional services contracts with the following firms for the 76th Legislative Session of the State of Texas: CARL S. RICHIE of Mayor Day Caldwell & Keeton, Austin, Texas; NEAL T. JONES AND WILLIAM MILLER, Hillco Partnership, Austin, Texas; CLIFF JOHNSON AND REGGIE BASHUR, Austin, Texas; KAREN JOHNSON, Austin, Texas; CARL A. PARKER and FROY SALINAS; Austin, Texas; HUGO BERLANGA, Austin, Texas, in the amount of \$619,000, with second year contracts in the amount of \$549,000, for a total amount not to exceed \$1,168,000. (Funding in the amount of \$304,000 was included in the FY 1998-99 Operating Budget of the Management services Department; \$300,000 was included in the FY 1998-99 Strategic Planning Investment Fund; funding in the amount of \$534,000 for the second year of five contracts: Neal T. Jones and William Miller; Cliff Johnson and Reggie Bashur; Karen Johnson; Carl A. Parker and Froy Salinas; and Hugo Berlanga will be contingent upon available funding in FY1999-2000.)

Approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

53. Approve an ordinance enacting a site-specific amendment to the SOS Ordinance and authorizing execution of a final settlement agreement in connection with City of Austin v. Club Resorts, Inc., Cause No. 98-00248, Travis County District Court. (This Litigation concerns development regulation applicable in the Barton Springs Zone.)

Ordinance No. 981118-E approved on Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote.

ADJOURNED at 10:45 p.m. on Councilmember Slusher's motion, Councilmember Lewis' second, 7-0 vote.

Approved on this the 3rd day of December 1998 on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.